REMARKS

In the Final Office Action[1], the Examiner:

rejected claims 1-8, 10, and 18-23 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter; and

rejected claims 1-8 and 10-23 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,771,291, to DiStefano, III ("DiStefano").

By this reply, Applicant has amended claims 1, 11, 18, and 19. No new matter is added by this amendment. Claims 1-8 and 10-23 are pending.

Applicant respectfully traverses the rejection of claims 1-8, 10, and 18-23 under 35 U.S.C. § 101.

The Office Action applies a two-prong test, which includes a determination that the invention is within the technology arts, to determine whether claims 1-8, 10, and 18-23 are directed to statutory subject matter. Office Action at page 2. But, in *Ex parte Lundgren*, 2003-2008 (Bd. Pat. App. Int. 2004) (precedential opinion). The Board of Appeals and Interferences declared that there is no "technological arts" requirement under § 101. Furthermore, the U.S. Patent and Trademark Office has promulgated interim guidelines for examination which state:

> United States patent law does not support the application of a "technical aspect" or "technological arts" requirement. Title 35 of the United States Code does not recite, explicitly or implicitly, that inventions must be within the "technological arts" to be patentable....Accordingly, while an invention must be "new" and "useful," there is no statutory requirement that it fit within a category of "technological arts."

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[1]The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

United States Patent and Trademark Office, Official Gazette, Annex III, November 22, 2005. As such, any rejection under § 101 that alleges a "technological arts" requirement is improper and must be withdrawn.

While Applicant disagrees with this rejection of the claims, Applicant has amended the specification and claims 1, 18, and 23 in order to expedite prosecution. Applicant submits that the claims are statutory under 35 U.S.C. § 101.

Applicant respectfully traverses the rejection of claims 1-8 and 10-23 under 35 U.S.C. § 102(e) as anticipated by DiStefano.

In order to properly establish that DiStefano anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). DiStefano does not anticipate the claims at least because it fails to teach, or even suggest, each and every element of the claims.

Claim 1 recites, among other elements, an "interaction involving transactional business data and one or more back end systems, wherein the selected GUI components contain transactional business data and inherit properties specific to the one or more selected GUI components from a user interface framework." DiStefano does not teach or suggest this feature of claim 1.

The Office Action equates the claimed "interaction between selected web components" with "[an example from column 7 of] selecting [a] chick icon and modifying the chick to make a peep noise." Final Office Action at page 12.

DiStefano discloses that "once a chick icon has been selected from fx menu 430 and is displayed in design space 280 as web asset 305a, the registered user can further modify the chick to make a peep or other noise by selecting the desired noise from the sound menu 540, dragging the noise to the chick and dropping the noise onto the chick." DiStefano col. 7 lines 41-46.

Even assuming a "chick icon" making a "peep noise" could constitute the claimed interaction, there is nothing in DiStefano that discloses or suggests such an interaction involves the claimed "transactional business data." A "chick" making a "peep" is in no way useful to the transaction of business. Moreover, a "peep" is not data used in the transaction of business. To suggest that a "peep" from a "chick" is used in the transaction of business or constitutes the claimed "transactional business data" clearly exceeds the broadest reasonable interpretation of claim 1. Inasmuch as a "peep" from a "chick" has no discernable business value as the claimed "transactional business data," DiStefano fails to teach or suggest each and every feature of claim 1. Therefore, the Examiner is requested to withdraw the rejection of claim 1 under 35 U.S.C. § 102(e).

DiStefano fails to disclose additional elements of claim 1. DiStefano fails to disclose or even suggest the claimed "selected GUI components contain transactional business data and inherit properties specific to the one or more selected GUI components from a user interface framework" as recited in claim 1. In a fashion similar to that presented above, DiStefano fails to disclose or even suggest that the claimed

"transactional business data" is contained by "selected GUI components." For example, the "chick" icon is not disclosed to "contain" anything much less the claimed "transactional business data." Furthermore, there is no disclosure that the disclosed "chick," which the Office Action seems to interpret as a "GUI component," inherits properties specific to the "chick" from "a user interface framework" at least because DiStefano does not disclose or suggest a "user interface framework." There is no disclosure in DiStefano of any "properties specific to [a] GUI component" much less "one or more GUI components." Similarly, DiStefano fails to disclose that these "properties" are "inherit[ed]." For at least the above reasons, DiStefano does not disclose each and every element of claim 1 and the rejection under 35 U.S.C. § 102(e) should be withdrawn.

Independent claims 11 and 19, although of different scope than claim 1, patentably distinguish the cited art for at least reasons similar to thsoe discussed above. Claims 2-7, 12-18, and 20-23 are allowable over the prior art at least due to their dependence. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-7 and 11-23 under 35 U.S.C. § 102(e).

With respect to claim 8, the Advisory Action of September 26 failed to respond to any of the remarks presented for this claim in the response filed Septembe 12, 2008. As such, similar remarks are presented for claim 8 below.

Claim 8 recites, among other elements, "a first set of database tables to define screens," and "a second set of database tables based upon the first set of stored database tables." DiStefano does not disclose the claimed "a first set of database

tables" and therefore cannot disclose "a second set of database tables based upon the first set of stored database tables."

The Final Office Action asserts "[c]olumn 5 lines 1-14 [of DiStefano]clearly describes database tables to define screens including tables that describe graphical user interface screen components, screen layout, component configuration, application model assignment, and event handling." Final Office Action at page 12. The Examiner further asserts "figure 1 also clearly shows items 170 and 190, which show web assets database (second set of database for example) and programming database (first set of database for example)." Final Office Action at page 12. These assertions, however, are not correct.

The above identified portions of DiStefano, in relevant part, disclose that "in the preferred embodiment, the programming required to operate the GUI is provided to potential customers and registered users as software (i.e., on a floppy disk or a CD-ROM), and is stored directly in the programming database 190." DiStefano col. 5 lines 6-10.

Nowhere does the Office Action even allege that DiStefano discloses the claimed relationships between the claimed sets of "database tables." DiStefano, neither in the above cited portion of the disclosure, nor elsewhere in the disclosure teaches or suggests, for example, "a second set of database tables based upon the first set of stored database tables" (emphasis added). Merely alleging that Figure 1 shows two databases 170 and 190 is insufficient to establish the claimed relationship between the claimed "second set of database tables" and the "first set of stored database tables."

For at least this reason, DiStefano fails to disclose each and every element of claim 8. As such, the rejection of claim 8 should be withdrawn.

For also the following reasons, claim 8 is not anticipated by DiStefano. The Final Office Action appears to rely on the word "database" in DiStefano to disclose the claimed "a first set of database tables that describe graphical user interface GUI screen components, screen layout, component configuration, application model assignment, and event handling," and "a second set of database tables based on the first set of tables," as recited in claim 8. There is no clear disclosure that the disclosed "database" either comprises "database tables" or that such database tables describe any of the claimed "GUI screen components, screen layout, component configuration, application model assignment [or] event handling."

Contrary to the assertion in the Final Office Action, DiStefano's disclosure of a "programming database" or a "web assets database" in Figure 1, does not constitute disclosure that either of these databases contain the claimed "database tables that describe any of screen layout, component configuration, application model assignment [or] event handling." These features are neither explicit nor inherent to the DiStefano disclosure even when DiStefano is given its broadest reasonable interpretation. Therefore, claim 8 is allowable and the rejection of claim 8 should be withdrawn because DiStefano fails to disclose each and every element of claim 8. Claim 10 depends from claim 8. Thus, the rejection of claim 10 should be withdrawn at least due to its dependence on claim 8.

<u>CONCLUSION</u>

If a telephone interview will expedite issuance of this application, the Examiner is

requested to call Applicants' representative whose name and registration number

appear below at (202) 408-4214, to discuss any remaining issues.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 9, 2008   By:_____

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